



michigan municipal league

# Liability & Property Pool Workers' Compensation Fund

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## RISK CONTROL SOLUTIONS

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A Service of the Michigan Municipal League Liability and Property Pool and  
the Michigan Municipal League Workers' Compensation Fund

### **REDUCING THE EXPOSURE OF OPERATING A FIRE DEPARTMENT CADET PROGRAM**

#### INTRODUCTION

Fire/EMS Department cadet programs offer 16- to 18-year-old students the opportunity to train and work alongside active department members. From a department perspective, such programs can appear to be a beneficial option to help with recruiting, deliver training and information to young community members, and strengthen the department's relationship with its community. However, such programs also expose their departments and municipalities to higher risks of injury, property damage, and liability claims.

Firefighting duties and training activities involve significant hazards to which juveniles in a cadet program could be exposed. Yet, under Michigan case law, a pre-injury waiver of liability signed by either a minor or their parent(s) is not enforceable (*Woodman v Kera, LLC, d/b/a Bounce Party* (Michigan Court of Appeals, 2008)). Municipalities and Fire/EMS departments cannot rely on participant or parental waivers to mitigate potential risk exposures of a cadet program.

The Bureau of Fire Services, Fire Fighter Training Division (FFTD), of Michigan's Department of Licensing and Regulatory Affairs (LARA), has developed minimum requirements for fire cadet programs. Local fire departments can submit their program to the FFTD for approval, which can ensure a program is well-designed and add to its credibility, but does not insulate a department from potential legal liability.

Therefore, municipalities and departments must weigh the risk exposures carefully before launching a cadet program – and be meticulous in its implementation if they proceed.

#### CONSIDERATIONS

The following are some crucial factors to review and evaluate before authorizing a cadet program;

- In what types of activities will cadets be allowed to participate? Direct involvement in fire suppression, operating power tools, ladder or hose training drills, and similar activities obviously increase the risk of cadet injury. Restricting or prohibiting participation in physically demanding or hazardous situations reduces risks.
- Can the department provide all necessary safety clothing and personal protective equipment, in compliance with NFPA and OSHA standards, and meet manufacturers recommendations for use and replacement, to all cadets?

- If students will be allowed to participate in strenuous activities, will physicals be required to determine if the student is medically fit to participate? Who will pay for this? A medical fitness evaluation is critically important if cadets will be trained on or using SCBA's. Physicals should be based on a written job/activity descriptions.
- Will the department provide required training on bloodborne pathogens, sexual harassment, workplace safety and any other applicable department policies? Will Hepatitis B vaccines be required? Who pays?
- Is the student covered under their parents' health insurance policy? If not, who pays for medical treatment? Note that cadets are not covered under workers' compensation policies, as they are not considered department employees.
- How will the department select, train, supervise, and evaluate program mentors? Are there enough interested department staff to manage and support the program?


Most of these questions relate to a commitment of resources necessary to ensure student safety. Carefully considering these questions will help determine if the department can adequately manage and support a cadet program, and just how involved or active students can be in fire service duties and activities.

If your municipality decides that a cadet program is a practical option, we offer the following recommendations to help mitigate the associated risks.

## REDUCING RISK

- Consider establishing a Fire Explorer program. The Explorer program provides organizing assistance, guidance, support, and insurance coverage for participants. Information on Fire Explorer programs can be found at <https://www.exploring.org/fire-ems/>.
- Consider affiliating the cadet program with a local high school job or career training program. State law allows certain liability protections for recognized school career training programs.
- Have a clearly defined Code of Conduct with which cadets are expected to comply.
- Require close adult supervision of cadets at all times. Do not take on more cadets than staff can effectively supervise.
- Make sure that all program rules and guidelines are consistent, and limit direct exposure to hazardous duties.
- Consult with your attorney for approval, review of program rules, standards, policies, program application, and waivers.
- Apply for and receive program approval by the Michigan FFTD.
- Follow best practices of the FFTD, Fire/EMS Explorer organization, and other established programs.
- Review and update practices and written materials regularly to ensure they reflect department expectations and conditions.

For more information, contact the League’s Loss Control Services, or MML Risk Management Services.

	<b>Important Phone Numbers</b>
MML Risk Management Services	734.662.3246 or 800.653.2483
Loss Control Services	800.482.0626

**Note:** *This document is not intended to be legal advice. It does not identify all the issues surrounding the particular topic. Public agencies are encouraged to review their procedures with an expert or a competent attorney who is knowledgeable about the topic.*

### ADDITIONAL RESOURCES

Michigan Department of Licensing and Regulatory Affairs, Bureau of Fire Services, Fire Fighter Training Division;  
[https://www.michigan.gov/lara/0,4601,7-154-89334\\_42271\\_42325---,00.html](https://www.michigan.gov/lara/0,4601,7-154-89334_42271_42325---,00.html)

Fire Fighter Training Division, FF I & FF II General Requirements Section I. 3. (Page 6);  
[https://www.michigan.gov/documents/lara/IGAM\\_2019\\_Update\\_642600\\_7.pdf](https://www.michigan.gov/documents/lara/IGAM_2019_Update_642600_7.pdf)

Fire and EMS Career Exploring;  
<https://www.exploring.org/fire-ems/>

Fire and EMS Career Exploring, Program Guidelines;  
<http://www.exploring.org/wp-content/uploads/2015/12/FIRE-and-EMERGENCY-SERVICES-EXPLORING-PROGRAM-GUIDELINES.pdf>